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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| First Named Applicant: Kitsukawa  | ) | Art Unit: 2614   |
| Serial No.: 09/802,632  | ) | Examiner: Manning  |
| Filed: March 9, 2001  | ) | SOP4112.01   |
| For: VIRTUAL CHANNEL SYSTEM FOR WEB<br>APPLIANCE, INCLUDING INTERACTIVE<br>TELEVISION | ) | November 27, 2005<br>750 B STREET, Suite 3120<br>San Diego, CA 92101 |
|   | ) |  |

**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Alexandria, VA

Dear Sir:

This responds to the Office Action dated November 3, 2005, rejecting all pending claims (1-8) under 35 U.S.C. §103 as being unpatentable over Williams et al., USPN 5,977,964 (hereinafter "Williams") in view of Matthews, III et al., USPN 5,914,746 (hereinafter "Matthews") and further in view of Knee et al., USPP 2005/0155056 (hereinafter "Knee").

In Applicant's prior amendment, the claims were amended by requiring that the demographic information is input by the user, with Applicant observing that the demographic data alleged to be in Williams is not input by the user but rather is algorithmically determined by the controller, meaning that Williams relies on algorithmically-determined demographic information to remain unobtrusive to the user. Applicant pointed out that as a consequence, modifying Williams to accept direct input user demographic information

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would frustrate this purpose of Williams and, hence, would be improper, see MPEP §2143.01 (citing In re Gordon).

The current rejections acknowledge the lack of user demographic input in Williams, but attempt to remedy the shortfall by introducing the user-input demographics of Knee, proffering, as a suggestion to combine, Knee's alleged teaching of a "systematic approach to gathering user information for the targeting of programming".

As an initial matter, paragraph 7 of Knee does not mention "targeting of programming" but rather explains that it is for targeting advertising, a narrower proposition, and for taking unnamed "action in program guides". In any case, the problem with the proffered suggestion to combine is that Williams does not appear to be interested in targeting advertising. Stated differently, the relied-upon "stated advantages" of Knee do not appear to have relevance to Williams, which is instead directed to unobtrusively and automatically configuring a TV system based on a user's actual interactions as monitored by the system, see, e.g., col. 2, lines 10-15 and col. 17, lines 23-33 of Williams, extolling the virtues of automatically configuring a system based simply on monitoring a user's interactions with it. Plainly, to constitute a legitimate suggestion to combine, "stated advantages" of a secondary reference must bear some relevance to the purpose of the primary reference sought to be modified; otherwise, every patent would be combinable with every other patent, since almost every patent extols its individual advantages in its own vacuum.

Additionally, introducing Knee does not rebut Applicant's previous point that, notwithstanding whether prior art exists showing user input of demographic data, it would defeat the purpose of Williams to alter it to require user demographic input. This is because the entire point of Williams is to programmatically

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determine demographics in a way that Williams believes is designed to be optimal, a purpose that would be frustrated by permitting user discretion in defining his or her own demographics.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
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